

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
Docket No. 15001US01**

In the Application of:

Darwin Rambo

Serial No.: 10/620,048

Filed: July 15, 2003

For: AUDIO/VIDEO
 CONFERENCE SYSTEM

Examiner: Gerald A. Smarth

Group Art Unit: 2446

Conf. No.: 7642

Electronically Filed on

September 22, 2009

BRIEF ON APPEAL

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appellant presents this Brief on Appeal to the Board of Patent Appeals and Interferences. The Appellant respectfully requests reversal of the rejections to Claims 1-26. This Brief on Appeal is being filed in response to the Notice of Panel Decision from Pre-Appeal Brief Review dated June 22, 2009.

Application No. 10/620,048
This Brief On Appeal Dated: September 22, 2009

REAL PARTY IN INTEREST

The real party in interest is Broadcom Corporation, a corporation organized under the laws of the state of California, and having a place of business at 5300 California Avenue, Irvine, California 92617. Broadcom Corporation is the assignee of the present Application.

RELATED APPEALS AND INTERFERENCES

Not applicable.

STATUS OF THE CLAIMS

The present Application originally included 26 claims (Claims 1-26). Pending Claims 1-26 stand rejected and are the subject of this appeal. The text of the pending claims and their status is provided in the Claims Appendix.

STATUS OF THE AMENDMENTS

Subsequent to the final rejection mailed on February 4, 2009, no amendments were made.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to:

“A system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server.”

Appellant respectfully submits that paragraph [20] of the present Application describes a “server communicating to a number of computing devices.” Furthermore, the Appellant submits that a “system for configuring a conference call comprising a computing device that is communicatively coupled with a server” is illustratively disclosed in Figure 1 of the present Application in relation to paragraphs [21-22], for example. Furthermore, the subject matter of Claim 1 is illustratively described in the present Application at, for example, Figure 2 corresponding to paragraph [25], which states that “one or more graphical or visual indicators displayed on one or more windows may specify a participant's status in the audio/video conference call.” Furthermore, paragraph [29] of the present Application describes “information regarding a status of the conference call.” The invention of Claim 1 is also described in other parts of the Application, such as in the Brief Summary of the Invention, at paragraph [12], for example.

Moreover, Claim 1 provides a disclosure of the claimed subject matter since Claim 1 is an original claim and is considered part of the specification.

Independent Claim 7 is directed to:

“A method of configuring side conference calls comprising:

selecting one or more participant identifiers from at least one existing conference call; and

positioning said selected participant identifiers into at least one side conference call identifier.”

The subject matter of Claim 7 is illustratively described in the present Application at, for example, paragraph [23], referring to Figure 1. The subject matter of Claim 7 is illustratively described in the present Application at, for example, paragraph [33], referring to Figure 4. For example, paragraph [33] states that “a side conference call may be configured by an authorized user, such as an administrator or host, by pointing, clicking, and dragging (using an exemplary mouse) a particular participant identifier over to a new conference call identifier, thereby creating a new conference call. For example, an administrator may point, click, and drag participants identifiers #3 and #5 of conference call #1 into the conference call #3 identifier. By doing so, participants #3 and #5 become participants of conference call #3.” The invention of Claim 7 is also described in other parts of the Application, such as in the Brief Summary of the Invention, at paragraph [13], for example.

Moreover, Claim 7 provides a disclosure of the claimed subject matter since Claim 7 is an original claim and is considered part of the specification.

Independent Claim 11 is directed to:

“A method of configuring one or more conference calls comprising:
creating conference identifiers; and
grouping participant identifiers into said conference identifiers.”

The subject matter of Claim 11 is illustratively described in the present Application at, for example, paragraph [31], referring to Figure 3. The present Application, at Figure 3, illustrates element #308 corresponding to a row of conference identifiers. Furthermore, the present Application, at paragraph [31], and at Figure 3, describes and illustrates a number of participant identifiers 312 (e.g., #1 through #5) which are grouped under conference identifier #1. The invention of Claim 11 is also described in other parts of the present Application, such as in the Brief Summary of the Invention, at paragraphs [13-14], for example.

Moreover, Claim 11 provides a disclosure of the claimed subject matter since Claim 11 is an original claim and is considered part of the specification.

Independent Claim 20 is directed to:

“A method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers.”

The subject matter of Claim 20 is illustratively described in the present Application at, for example, paragraph [33], referring to Figure 4. For example, the present Application, at paragraph [33], states “that a side conference call may be

configured by an authorized user, such as an administrator or host, by pointing, clicking, and dragging (using an exemplary mouse) a particular participant identifier over to a new conference call identifier, thereby creating a new conference call.” The invention of Claim 20 is also described in other parts of the Application, such as in the Brief Summary of the Invention, at paragraphs [13-14], for example.

Moreover, Claim 20 provides a disclosure of the claimed subject matter since Claim 20 is an original claim and is considered part of the specification.

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- I. Claims 1-12, 14-16, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,559,863 (“Megiddo”).
- II. Claims 17-19 and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Megiddo in view of U.S. Patent No. 5,758,079 (“Ludwig”).

ARGUMENT

In summary, the Appellant respectfully submits that the Board should reverse the rejections to the pending claims. Appellant respectfully submits that the pending claims should be allowed because these claims contain patentable subject matter. The Appellant has argued the claims in each ground of rejection separately, instead of as a group, as follows.

REJECTION OF CLAIMS 1-12, 14-16, and 20 UNDER 35 U.S.C. § 102(e)

A. Independent Claim 1

Claim 1 is directed to:

1. A system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server.

The Office Actions (dated 8/6/08 and 2/4/09) allege that Megiddo, at Figures 1a and 1c, and at col. 3, lines 54-56, discloses “a system for configuring a conference call comprising a computing device that is communicatively coupled with a server.”

Megiddo, at Figures 1a and 1c, illustrates:

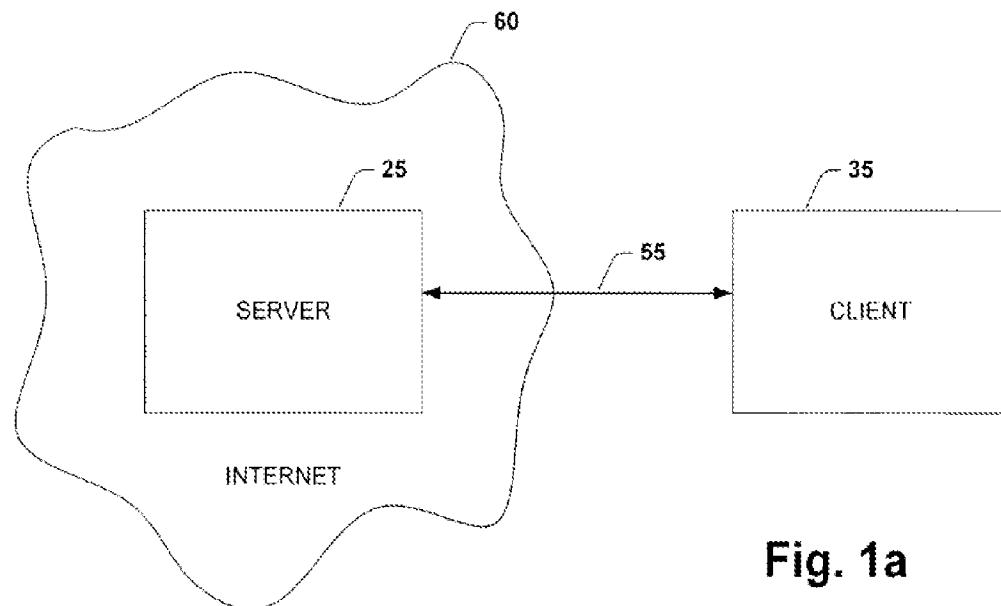


Fig. 1a

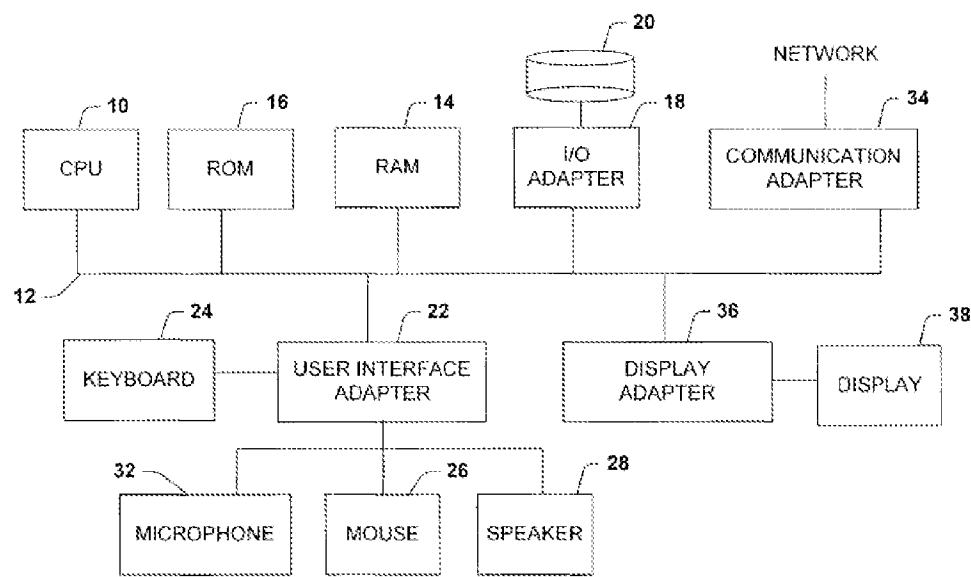


Fig. 1c

Megiddo, at col. 3, lines 54-56, states:

...detail certain illustrative embodiments of the invention. These embodiments are indicative, however, of but a few of the various ways in which the principles of the invention may be employed and the present invention is intended to...

The Appellant respectfully submits that Megiddo, at Figures 1a or 1c, and at col. 3, lines 54-56, does not teach anything about “a system for configuring *a conference call* comprising a computing device that is communicatively coupled with a server.” Megiddo’s invention describes an “electronic conference room.” An “electronic conference room” is different from a “conference call” as recited in Claim 1 because Megiddo’s electronic conference room allows communication between all parties (regardless of an individual’s membership to a group) in that electronic conference room. While the Examiner believes that each group within Megiddo’s conference room constitutes a conference call, Appellant disagrees because anyone within the electronic conference room hears everyone else (regardless of whether participants are in separate groups within the conference room) at a volume that is inversely proportional to the distance between a first user’s iconic representation and a second user’s iconic representation (see Summary of the Invention at col. 1 line 56 – col. 2 line 7). Consequently, for at least this reason, the Appellant respectfully submits that the Office Action has not shown a teaching of a “conference call” as recited in Claim 1.

The Office Action further alleges that Megiddo, at col. 7, lines 48-51, discloses “to a participant of a conference call, information regarding a status of the conference call

based on at least one communication received from said server.” Megiddo, at col. 7, lines 48-51, states:

FIG. 5 is a flow diagram illustrating one particular methodology for carrying out the present invention with respect to creation and operation of the electronic conference room 100.

The Appellant respectfully submits that Megiddo, at col. 7, lines 48-51, does not teach what is recited in Claim 1. Nowhere does Megiddo, at col. 7, lines 48-51, teach anything about “a system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server.” Therefore, for at least this reason, Claim 1 contains patentable subject matter that should be allowed. Furthermore, for example, Megiddo does not teach “a system for configuring a conference call,” as recited in Claim 1. Instead, Megiddo, at col. 1 line 57 - col. 2, line 8, for example, discloses an “electronic conference room” in a “cocktail party” environment where everyone can hear other conversations at a level corresponding to the distance one or more parties are from a participant or user. Appellant respectfully submits that an electronic conference room does not teach a conference call. Appellant respectfully submits that communication between multiple groups of users in a conference room (as disclosed by Megiddo) is different from conducting a conversation between participants in a conference call. Appellant submits that a conversation between multiple users in a room provides no privacy among the parties since Megiddo states that “the present invention facilitates creating a cocktail party type of interaction medium

wherein communications between parties spatially closer to a first user are more intense than communications between parties further away from the first user (see Megiddo, at col. 2 lines 1-5). Furthermore, Megiddo, at col. 2 lines 6-10, states that “the present invention allows for the first user to engage in a conversation with one or more people while concurrently being able to *eavesdrop on conversations* of one or more other parties.” Thus, it is evident that a *conference call* is not disclosed in Megiddo. Consequently, Megiddo does not disclose “configuring a conference call,” a “participant of a conference call,” or “information regarding a status of the conference call,” as recited in Claim 1. For at least each of these reasons, Claim 1 should be passed to allowance.

Moreover, the Office Actions have not shown a teaching of “information regarding *a status of the conference call* based on at least one communication received from said server,” as recited in Claim 1. Therefore, for at least this reason, Claim 1 should be passed to allowance.

Furthermore, Appellant would like to call attention to Megiddo, in the Abstract, which states that “a system and method is provided that allows participants in an electronic conference room to move to any spatial location in the electronic conference room.” In addition, Megiddo, in the Abstract, states “each main user is provided with audible signals from other groups, which is attenuated based on the distance that particular group is from the user's location within the electronic conference room.” Consequently, for at least these reasons, Megiddo does not teach what is recited in Claim 1.

Based on the foregoing reasons, the Office Actions have not shown a teaching of what is recited in Claim 1. Thus, Appellant respectfully submits that Claim 1 contains

patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 1 should be advanced to allowance.

With regard to Claim 1, the final Office Action (dated February 4, 2009), at the Examiner's Response to Arguments section, stated the following:

Regarding claim 1, Applicant makes argument that Megiddo does not teach or suggest a system for configuring a conference call comprising a computing device that is communicatively coupled with a server. Applicant points to Megiddo disclosing a system for configuring a conference call comprising a computing device that is communicatively coupled with a server. Examiner respectfully disagrees and explains this portion of Megiddo was inserted to show a computing device that is communicatively coupled with a server, as stated in claim 1. Configuring a conference call is being taught in Megiddo. Megiddo discloses in step 200, the server 25 provides an electronic conference room 100 for electronic communication between multiple users. In step 210, the electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100, as disclosed in office action. In view of the examiner this is viewed to teach the limitations of claim 1.

Appellant had repeatedly stated that an “electronic conference room” does not teach a “conference call” as recited in independent Claims 1, 7, 11, and 20, since a conference *room* does not teach a conference *call*. Contrary to what is recited in Claim 1, the Examiner admits that “Megiddo discloses in step 200, the server 25 provides an *electronic conference room* 100 for electronic communication between multiple users. In step 210, the electronic conference room 100 provides each user or client with a graphical image representing that user in electronic conference room 100 provides each user or

client with a graphical image representing that user in electronic conference room 100, as disclosed in office action.”

Appellant respectfully submits that there are fundamental differences between Megiddo’s electronic conference room and a conference call. Since Megiddo’s electronic conference room provides an open air environment where a user may “engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties” to create “a cocktail party type interaction medium” (see Megiddo, at col. 2, lines 1-9), the Appellant respectfully submits that Megiddo does not teach “configuring a conference call,” “configuring side conference calls,” “configuring one or more conference calls,” or “viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls,” as recited in independent Claims 1, 7, 11, and 20. Furthermore, since everybody is capable of listening to everyone else (by way of eavesdropping), there is no privacy provided in any of the groups formed in Megiddo’s electronic conference room. Therefore, Megiddo does not teach anything about configuring conference calls.

The final Office Action (dated February 4, 2009), at the Examiner’s Response to Arguments section, further stated the following:

Applicant goes further to explain why. Megiddo does not teach "a system for configuring a conference call". Instead, Megiddo, at col. 1 line 57 - col. 2, line 8, for example, discloses an "electronic conference room" in a "cocktail party" environment where everyone can hear other conversations at a level corresponding to the distance one or more parties are from a participant or user. Applicant submits that an electronic conference room does not teach a conference call. Applicant respectfully submits that communication between multiple groups of users in a conference room environment is different from conducting a conversation between participants in a conference call. A conversation between

multiple users in a room provides no privacy among the parties since "the present invention facilitates creating a cocktail party type of interaction medium wherein communications between parties spatially closer to a first user are more intense than communications between parties further away from the first user (see Megiddo, at col. 2 lines 1- 5). Examiner respectfully disagrees. Examiner sees [sic] Megiddo's conference room as being one or more conference calls. The different aspects of this conference room as applicant explains does not change it from being a conference call which is being configured by a system. Thus as explained examiner views Megiddo as teaching limitations of claim 1.

See Office Action at pages 19-20.

With respect to the foregoing statements made by the Examiner, the Appellant respectfully submits that the Examiner has not fully considered Appellant's argument that Megiddo's groups are not conference calls, since Megiddo's groups do not provide any form of privacy as a conference call would provide. Appellant submits that the groups within Megiddo's conference room may speak to other groups or hear conversations from other groups in that conference room. On the other hand, the Appellant submits that a conference call provides a conference only between individuals in that conference call. As previously stated by the Appellant, every participant in each group within Megiddo's electronic conference room has access to conversations from other groups. Therefore, Megiddo does not teach one or more conference calls. Thus, the Examiner has not shown a teaching of each and every element recited in Claim 1. As a consequence, the Appellant requests reversal of the rejections to Claim 1 and dependent Claims 2-6.

B. Dependent Claim 4

Claim 4 is directed to:

4. The system of Claim 3 wherein said graphical user interface provides one or more lists of participants grouped by way of one or more conference calls.

Contrary to what the Examiner alleges, the Appellant respectfully submits that Megiddo, at col. 2 lines 9-13, does not teach a “graphical user interface provides *one or more lists of participants* grouped by way of one or more conference calls.”

Megiddo, at col. 2 lines 9-13, states:

Each participant is considered a main user with respect to attributes of the system on the user's personal computer. Preferably, the graphical image and the members of the user's group will appear closer on the user's computer' screen than other participants in the electronic conference room, regardless of location of the user in the electronic conference room.

Based on the foregoing passage, none of Megiddo, at col. 2 lines 9-13 teaches or discloses “one or more lists of participants” as recited in Claim 4. Thus, the Examiner has not shown a teaching of each and every element recited in Claim 4. For this reason, the Appellant requests the Board to reverse the Examiner's rejection to Claim 4.

C. Independent Claim 7

Claim 7 is directed to:

7. A method of configuring side conference calls comprising:
selecting one or more participant identifiers from at least one existing conference call; and
positioning said selected participant identifiers into at least one side conference call identifier.

The Office Action alleges that Megiddo, at col. 6, lines 41-61, discloses what is recited in Claim 7. Megiddo, at col. 6, lines 41-61, states:

Referring to FIGS. 2b-2e, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2e, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of all the icons representing the participants. It is to be appreciated that each participant will become the user with respect to the representation of the icon representing them in the electronic conference room 100 during a conferencing session. Therefore, the icon, the picture or video image will appear closest in the electronic conference room 100 to that particular participant. In addition, the audio signal and the caption for each of the graphic images will be loudest and largest, respectively, in the group that the participant is a part.

Appellant respectfully submits that Megiddo does not teach or disclose anything about “configuring *conference calls*,” as recited in Claim 7. Furthermore, Megiddo does not teach or disclose anything about “selecting one or more participant identifiers from at least one existing *conference call*,” as recited in Claim 7. Nor does Megiddo disclose anything about “positioning said selected participant identifiers into at least one side *conference call identifier*.” Megiddo discloses implementation of a plurality of groups in an *electronic conference room* as opposed to implementation of a conference call. Since Megiddo teaches use of an electronic conference room, Megiddo does not teach the “conference call” recited in Claim 7. Furthermore, since Megiddo does not teach a conference call, Megiddo does not teach an identifier that identifies a conference call or a

“conference call identifier,” as recited in Claim 7. For at least the foregoing reasons, the Office Action does not show a teaching of Claim 7. Therefore, Claim 7 contains patentable subject matter which should be passed to allowance. The Appellant requests the Board to view Megiddo at col. 1, line 67 – col. 2, line 8, which states:

Accordingly, the present invention facilitates creating a cocktail party type interaction medium wherein communications between parties spatially closer to a first user are more intense (louder and/or larger text) than communications between parties further away from the first user. Thus, the present invention allows for the first user to engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties.

Thus, based on the foregoing passage, it is evident that Megiddo teaches “creating a cocktail party interaction medium” which “allows for the first user to engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties.” Thus, Megiddo does not teach anything about “configuring side *conference calls*,” “selecting one or more participant identifiers from at least one existing *conference call*,” or “positioning said selected participant identifiers into at least one side *conference call identifier*,” as recited in Claim 7. Thus, based on the foregoing reasons, Megiddo does not teach what is recited in Claim 7. Therefore, the Office Action has not shown a teaching of each and every element recited in Claim 7. Consequently, the Appellant respectfully submits that Claim 7 contains patentable subject matter which should be passed to allowance.

With regard to Claim 7, the Office Action (dated February 4, 2009), at the Examiner’s Response to Arguments section, states:

Regarding claim 7, Applicant makes argument that Megiddo does not teach or disclose anything about "selecting one or more participant identifiers from at least one existing conference call," as recited in Claim 7. Nor does Megiddo disclose anything about "positioning said selected participant identifiers into at least one side conference call identifier." Megiddo discloses implementation of a plurality of groups in an electronic conference room as opposed to implementation of a conference call. Examiner respectfully disagrees, and views for example each user icon such as user 111, 112, as being a participant identifier and groups as being existing conference calls. As in office action Megiddo teaches the limitations of claim 7 by disclosing referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2c, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of the icons representing the participants; Column 6 lines 41-61.

Examiner respectfully once again views passage from Megiddo explaining how a user can both engage in a conversation while eavesdropping on other conversations, as being another aspect of the Megiddo's conferencing system.

See Office Action at pages 20-21.

The Examiner allegedly "views for example each user icon such as user 111, 112, as being a participant identifier and groups as being existing conference calls." The Appellant respectfully disagrees. Appellant requests the Board to consider the present Application, at paragraph [33]:

Referring to Figure 4, it is contemplated that a side conference call may be configured by an authorized user, such as an administrator or host, by pointing, clicking, and dragging (using an exemplary mouse) a particular participant identifier over to a

new conference call identifier, thereby creating a new conference call.

While a “side conference call” is a conference call, as disclosed in the present Application, at paragraph [33], none of Megiddo’s groups can be considered to teach a “conference call,” as recited in Claim 7, because each of Megiddo’s groups may “eavesdrop” on each other in Megiddo’s electronic *conference room*.

Appellant respectfully requests the Board to consider Megiddo, at the Abstract, and at col. 2 lines 5-10, which states:

In addition, each main user is provided with audible signals from other groups, which is attenuated based on the distance that particular group is from the user's location within the electronic conference room.

.....

Thus, the present invention allows for the first user to engage in a conversation with one or more people while concurrently being able to eavesdrop on conversations of one or more other parties.

Each participant is considered a main user with respect to attributes of the system on the user's personal computer.

Thus, a participant from a group can hear a participant from another group. Therefore, Megiddo does not teach a “side conference call” as recited in Claim 7. Therefore, for at least these reasons, Megiddo does not teach each and every element recited in independent Claim 7. Thus, the Examiner has not shown a teaching of each and every element recited in Claim 7. Therefore, Appellant requests reversal of the rejections to Claim 7 and dependent Claims 8-10.

D. Dependent Claim 10

Claim 10 is directed to:

10. The method of claim 7 further comprising creating said at least one side conference identifier for configuring said side conference calls.

The Examiner alleges that Claim 7 is taught by Megiddo, at Figure 5, and at col. 7 lines 48-51.

Megiddo, at Figure 5, illustrates the following flowchart:

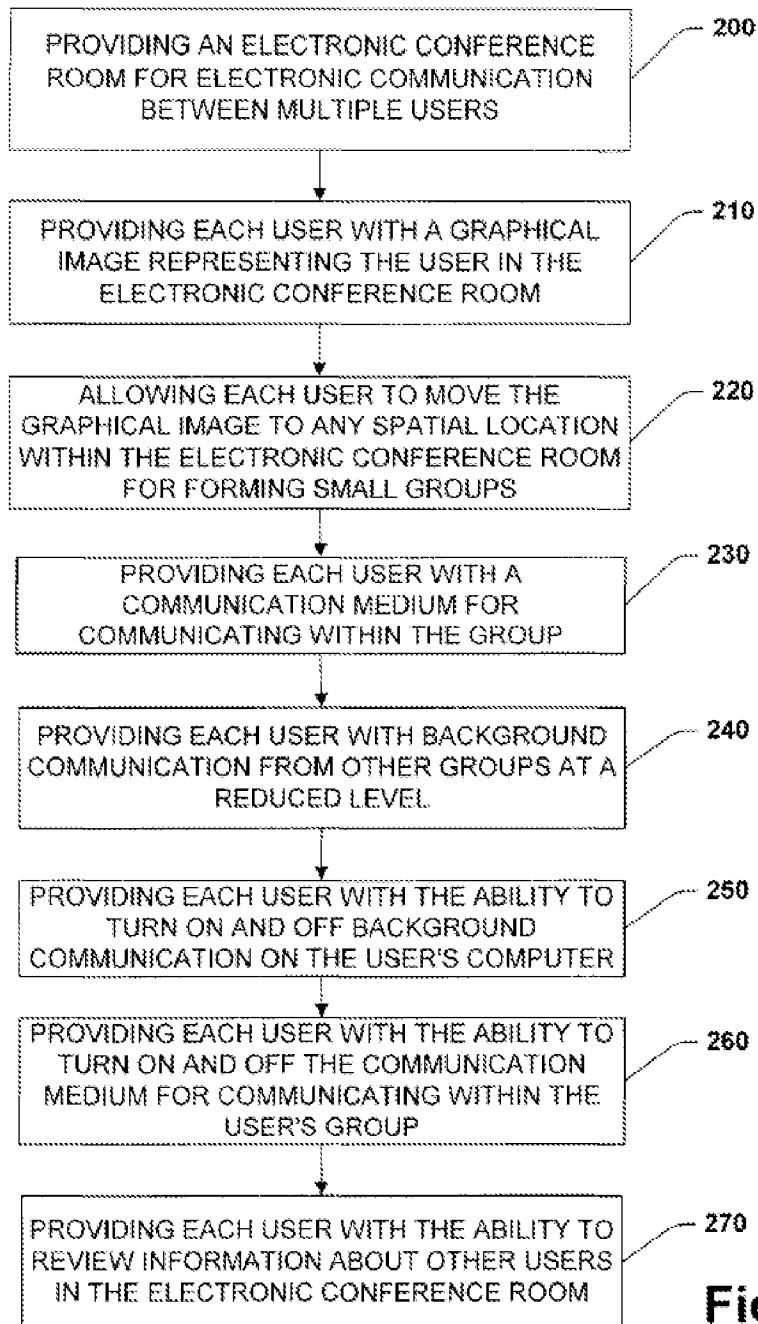


Fig. 5

Megiddo, at col. 7 lines 48-51, states:

FIG. 5 is a flow diagram illustrating one particular methodology for carrying out the present invention with respect to creation and operation of the electronic conference room 100. In step 200, the server 25 provides an electronic conference room 100 for electronic communication between multiple users.

Based on the foregoing figure and passage, none of Megiddo, at Figure 5 and at col. 7 lines 48-51, teaches or discloses “creating said at least one side conference identifier for configuring said side conference calls” as recited in Claim 10. While Megiddo, at Figure 5 and at col. 7 lines 48-51, discloses creation and operation of an *electronic conference room*, there is no disclosure of “creating said at least one side conference identifier for configuring said side conference calls,” as recited in Claim 10. Thus, the Examiner has not shown a teaching of each and every element recited in Claim 10. For this reason, the Appellant requests the Board to reverse the Examiner’s rejection to Claim 10.

E. Independent Claim 11

Claim 11 is directed to:

11. A method of configuring one or more conference calls comprising:
creating conference identifiers; and
grouping participant identifiers into said conference identifiers.

The Office Actions allege that Megiddo, at col. 6, lines 41-61, teaches “a method of configuring one or more conference calls comprising: creating conference identifiers; and grouping participant identifiers into said conference identifiers.”

Megiddo, at col. 6, lines 41-61, states:

Referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2e, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of all the icons representing the participants. It is to be appreciated that each participant will become the user with respect to the representation of the icon representing them in the electronic conference room 100 during a conferencing session. Therefore, the icon, the picture or video image will appear closest in the electronic conference room 100 to that particular participant. In addition, the audio signal and the caption for each of the graphic images will be loudest and largest, respectively, in the group that the participant is a part.

The Appellant respectfully submits that Megiddo does not teach what is recited in Claim 11. Megiddo does not teach “configuring one or more *conference calls*,” or “creating conference identifiers,” or “grouping participant identifiers into said conference identifiers,” as recited in Claim 11. For example, Megiddo does not disclose anything about “one or more conference calls.” Nor does Megiddo disclose anything about “conference identifiers.” Megiddo, at col. 6, lines 41-6, discloses moving or dragging a graphical image representing a user around an *electronic conference room*, so as to enter small communication groups by way of dragging a user “into or near to” a group in a cocktail party setting in which every participant can eavesdrop another participant in the conference room. Furthermore, the Appellant respectfully submits that while Megiddo

discloses various groups in an electronic conference room, Megiddo does not disclose "conference identifiers." In addition, the Appellant respectfully requests the Board to refer to Appellant's arguments presented for independent Claims 1 and 7.

With regard to Claim 11, the Office Action (dated February 4, 2009), at the Examiner's Response to Arguments section, states:

Regarding claim 11, Applicant makes argument that Megiddo does not teach what is recited in Claim 11. Applicant also states: Megiddo does not teach "configuring one or more conference calls," or "creating conference identifiers," or "grouping participant identifiers into said conference identifiers," as recited in Claim 11. For example, Megiddo does not disclose anything about "one or more conference calls." Nor does Megiddo disclose anything about "conference identifiers." Megiddo, at col. 6, lines 41-6, discloses moving or dragging a graphical image representing a user around an electronic conference room, so as to enter small communication groups by way of dragging a user "into or near to" a group in a cocktail party setting. Applicant respectfully submits that while Megiddo discloses various groups in an electronic conference room, Megiddo does not disclose "conference identifiers." Applicant respectfully requests the Examiner to refer to Applicant's arguments presented for Claims 1 and 7.

Examiner respectfully disagrees and views groups labeled for example as 110 and 120 by Megiddo in fig 2a, b as being conference identifiers. Examiner views user 111 as a conference identifier. The system includes means for providing an interface, means for providing an interface, a plurality of computers coupled to the system includes means for providing an interface, a plurality of computers coupled to the means for providing an interface, means for providing each user of each of the plurality of computers with a graphic image in the electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group; Column 3 lines 14- 26. Examiner also views these modifications as configuring a conference call.

See Office Action at pages 21-22.

The Appellant respectfully submits that Megiddo does not teach “configuring one or more conference calls” as recited in Claim 11 for the same reasons the Appellant had provided for Claims 1 and 7. The Appellant respectfully disagrees that Megiddo’s groups teach conference calls for these reasons. Therefore, for at least these reasons, Megiddo does not teach each and every element recited in independent Claim 11. Thus, the Examiner has not shown a teaching of each and every element recited in Claim 11. Therefore, Appellant requests reversal of the rejections to independent Claim 11 and dependent Claims 12-19.

F. Dependent Claim 14

Claim 14 is directed to:

14. The method of Claim 11 comprising selecting a participant identifier to effectuate receipt of a corresponding video feed.

The Office Action alleges that Megiddo, at col. 3, lines 37-52, discloses “selecting a participant identifier to effectuate receipt of a corresponding video feed.” Megiddo, at col. 3, lines 37-52, states:

In accordance with yet another aspect of the present invention a system is provided for providing an electronic forum for allowing multiple users to communicate simultaneously with one another. The system includes means for providing an interface, a plurality of computers coupled to the means for providing an interface, means for providing each user of each of the plurality of computers with a graphic image in the electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group.

To the accomplishment of the foregoing and related ends, the invention then, comprises the features hereinafter fully described

and particularly pointed out in the claims.

While Megiddo, at col. 3, lines 37-52, discloses “means for providing each user of each of the plurality of computers with a graphic image in the electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group,” Megiddo, at col. 3, lines 37-52, does not teach “selecting a participant identifier to effectuate receipt of a corresponding video feed,” as recited in Claim 14. Therefore, the Appellant respectfully submits that Megiddo does not teach each and every element recited in Claim 14. Therefore, the Office Action has not shown a teaching of each and every element recited in Claim 14. Thus, the Appellant respectfully submits that Claim 14 contains patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 14 should be advanced to allowance. For these reasons, the Appellant requests the Board to reverse the Examiner’s rejection to Claim 14.

G. Dependent Claim 15

Claim 15 is directed to:

15. The method of Claim 14, wherein said corresponding video feed is displayed by a display.

The Office Action alleges that Megiddo, at col. 3, lines 37-52, discloses “wherein said corresponding video feed is displayed by a display.” Megiddo, at col. 3, lines 37-52, states:

In accordance with yet another aspect of the present invention a system is provided for providing an electronic forum for allowing multiple users to communicate simultaneously with one another. The system includes means for providing an interface, a plurality of computers coupled to the means for providing an interface, means for providing each user of each of the plurality of computers with a graphic image in the electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group.

To the accomplishment of the foregoing and related ends, the invention then, comprises the features hereinafter fully described and particularly pointed out in the claims.

Megiddo, at col. 3, lines 37-52, discloses “means for providing each user of each of the plurality of computers with a graphic image in the electronic conference room representing the user, means for allowing each user to move their respective graphic image to form small groups with other users and means for communicating with other users within the group,” Megiddo, at col. 3, lines 37-52, does not teach “wherein said corresponding video feed is displayed by a display,” as recited in Claim 15. Therefore, the Appellant respectfully submits that Megiddo does not teach each and every element recited in Claim 15.

Furthermore, Claim 15 should be allowed for at least the reason that it depends on an allowable Claim 14. Therefore, for at least the foregoing reasons, Claim 15 should be passed to allowance. Hence, for at least the foregoing reasons, Appellant submits that Claim 15 is in condition for allowance.

H. Independent Claim 20

Claim 20 is directed to:

20. A method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers.

The final Office Action (dated 2/4/09) alleges that Megiddo, at col. 6, lines 41-61, discloses what is recited in Claim 20. Megiddo, at col. 6, lines 41-61, states:

Referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2e, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of all the icons representing the participants. It is to be appreciated that each participant will become the user with respect to the representation of the icon representing them in the electronic conference room 100 during a conferencing session. Therefore, the icon, the picture or video image will appear closest in the electronic conference room 100 to that particular participant. In addition, the audio signal and the caption for each of the graphic images will be loudest and largest, respectively, in the group that the participant is a part.

The Appellant respectfully submits that Megiddo does not teach what is recited in Claim 20. Megiddo does not teach “*a method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers*” as recited in Claim 11. For example, Megiddo does not disclose anything about “one or more conference calls.” Nor does Megiddo disclose

anything about “pointing, clicking, and dragging participant identifiers into one or more conference identifiers.” Megiddo, at col. 6, lines 41-6, discloses moving or dragging a graphical image representing a user around an *electronic conference room*, so as to enter small communication groups by way of dragging a user “into or near to” a group in a cocktail party setting in which every participant can eavesdrop another participant in any group of Megiddo’s electronic conference room. Furthermore, the Appellant respectfully submits that while Megiddo discloses various groups in an electronic conference room, Megiddo does not disclose anything about “one or more conference identifiers.”

With regard to Claim 20, the Office Action (dated February 4, 2009), at the Examiner’s Response to Arguments section, states:

Regarding claim 20, Examiner respectfully apologizes for Ludwig typo. Examiner further views arguments where [sic] addressed in previous Claims 1, 7 and 11.

See Office Action at page 22.

In response to Examiner’s preceding remark, the Appellant respectfully requests the Board to consider Appellant’s arguments presented for Claims 1, 7, and 11. As previously shown for Claims 1, 7, and 11, the Appellants respectfully submit that Megiddo does not teach anything about “one or more conference calls,” as recited in independent Claim 20. For at least these same reasons, the Appellant respectfully requests reversal of the rejection and allowance of Claim 20. Furthermore, the Appellant requests reversal of the rejections to dependent Claims 21-26.

REJECTION OF CLAIMS 17-19, AND 21-22, UNDER 35 U.S.C. § 103(a)

I. Dependent Claim 17

Claim 17 is directed to:

17. The method of Claim 14 comprising generating a new window for displaying said corresponding video feed.

The Office Action alleges that Ludwig, at col. 4, lines 36-38, discloses “generating a new window for displaying said corresponding video feed.” Ludwig, at col. 4, lines 36-38, states:

FIGS. 8A, 8B and 8C illustrate the video window on a typical CMW screen which may be generated during operation of a preferred embodiment of the present invention, and...

The Appellant respectfully submits that Ludwig, at col. 4, lines 36-38, does not teach what is recited in Claim 17. While Ludwig, at col. 4, lines 36-38, may disclose a “video window on a typical “collaborative multimedia workstation” screen, Ludwig, at col. 4, lines 36-38, does not disclose anything about “*generating a new window for displaying said corresponding video feed.*” Therefore, Ludwig does not teach each and every element of Claim 17.

Thus, the Examiner has not shown a teaching of each and every element recited in Claim 17. Therefore, the Appellant respectfully submits that Claim 17 contains patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 17 should be advanced to allowance.

Furthermore, Claim 17 should be allowed for at least the reason that it depends on allowable Claims 11 and 14. Therefore, for at least the foregoing reasons, Claim 17 should be passed to allowance. Hence, for at least the foregoing reasons, Appellant submits that Claim 17 is in condition for allowance. Therefore, the Appellant requests reversal of the rejection to Claim 17.

J. Dependent Claim 18

Claim 18 is directed to:

18. The method of Claim 11 further comprising locking said one or more conference calls to prevent participation by additional participants.

The Office Action alleges that Ludwig, at col. 21, lines 25-26, discloses “comprising locking said one or more conference calls to prevent participation by additional participants.” Ludwig, at col. 21, lines 25-26, states:

A client can create an exclusive service on a set of ports to prevent other clients from creating services on these ports.

While Ludwig, at col. 21, lines 25-26, may disclose that “a client can create an exclusive service on a set of ports from creating services on these ports,” there is no disclosure of “locking said one or more conference calls to prevent participation by additional participants,” as recited in Claim 18. Therefore, the Appellant respectfully submits that Ludwig do not teach what is recited in Claim 18.

Thus, the Examiner has not shown a teaching of each and every element recited in Claim 18. Therefore, the Appellant respectfully submits that Claim 18 contains

patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 18 should be advanced to allowance.

Furthermore, Claim 18 should be allowed for at least the reason that it depends on allowable Claim 11. Therefore, for at least the foregoing reasons, Claim 18 should be passed to allowance. Hence, for at least the foregoing reasons, Appellant submits that Claim 18 is in condition for allowance. Therefore, the Appellant requests reversal of the rejection to Claim 18.

K. Dependent Claim 19

Claim 19 is directed to:

19. The method of Claim 11 comprising providing a roll call of participants participating in said one or more conference calls.

The Office Action alleges that Ludwig, at col. 24, lines 21-25, discloses “providing a roll call of participants participating in said one or more conference calls.” Ludwig, at col. 24, lines 21-25, states:

In addition to the controls shown in FIG. 8B the multi-party conference screen also includes buttons/menu items that can be used to place individual conference participants on hold, to remove individual participants from the conference, to adjourn the entire conference, or to provide a “close-up” image of a single individual (in place of the video mosaic).

While Ludwig, at col. 24, lines 21-25, may disclose that “multi-party conference screen also includes buttons/menu items that can be used to place individual conference

participants on hold, to remove individual participants from the conference,” there is no disclosure of “providing a roll call of participants participating in said one or more conference calls,” as recited in Claim 19. Therefore, the Appellant respectfully submits that Ludwig do not teach what is recited in Claim 19.

Thus, the Examiner has not shown a teaching of each and every element recited in Claim 19. Therefore, the Appellant respectfully submits that Claim 19 contains patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 19 should be advanced to allowance.

L. Dependent Claim 21

Claim 21 is directed to:

21. The method of Claim 20 further comprising selectively receiving an audio feed of said one or more conference calls by way of using said one or more conference identifiers.

The Office Action alleges that Ludwig, at col. 20, lines 57-63, discloses “selectively receiving an audio feed of said one or more conference calls by way of using said one or more conference identifiers.”

Ludwig, at col. 20, lines 57-63, states:

Client programs can specify which of the 4 physical connections on its ports should be switched. This allows client programs to establish unidirectional calls (e.g., by specifying that only the port's input connections should be switched and not the port's output connections) and audio-only or video-only calls (by specifying audio connections only or video connections only).

While Ludwig, at col. 20, lines 57-63, may disclose that “audio connections” may be specified, there is no disclosure of “selectively receiving an audio feed of said one or more conference calls by way of using said one or more conference identifiers,” as recited in Claim 21. Therefore, the Appellant respectfully submits that Ludwig do not teach what is recited in Claim 21.

Thus, the Examiner has not shown a teaching of each and every element recited in Claim 21. Therefore, the Appellant respectfully submits that Claim 21 contains patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 21 should be advanced to allowance.

M. Dependent Claim 22

Claim 22 is directed to:

22. The method of Claim 21 further comprising receiving a video feed of said conference call by way of using said participant identifiers.

The Office Action alleges that Ludwig, at col. 24, lines 10-16, discloses “receiving a video feed of said conference call by way of using said participant identifiers.” Ludwig, at col. 24, lines 10-16, states:

When a multi-party conference call is initiated, the CMW provides a screen that is similar to the screen for two-party calls, which displays a live video picture of the callee's image in a video window. However, for multi-party calls, the screen includes a video mosaic containing a live video picture of each of the conference participants...

While Ludwig, at col. 24, lines 10-16, may disclose that “the CMW provides a screen that is similar to the screen for two-party calls, which displays a live video picture of the callee's image in a video window,” there is no disclosure of “receiving a video feed of said conference call *by way of using said participant identifiers*,” as recited in Claim 22. Therefore, the Appellant respectfully submits that Ludwig do not teach what is recited in Claim 22.

Thus, the Examiner has not shown a teaching of each and every element recited in Claim 22. Therefore, the Appellant respectfully submits that Claim 22 contains patentable subject matter. Consequently, for at least these reasons, the Appellant respectfully submits that the patentable subject matter in Claim 22 should be advanced to allowance.

CLAIMS APPENDIX

The following claims are involved in this Appeal:

1. A system for configuring a conference call comprising a computing device that is communicatively coupled with a server, said computing device capable of displaying, to a participant of a conference call, information regarding a status of the conference call based on at least one communication received from said server.
2. The system of Claim 1 wherein said computing device comprises a display used for said displaying.
3. The system of Claim 2 wherein said display generates a graphical user interface.
4. The system of Claim 3 wherein said graphical user interface provides one or more lists of participants grouped by way of one or more conference calls.
5. The system of Claim 1 wherein user inputs are generated using a point, click, and drag device.
6. The system of Claim 5 wherein said point, click, and drag device comprises a mouse.

7. A method of configuring side conference calls comprising:
selecting one or more participant identifiers from at least one existing conference call; and
positioning said selected participant identifiers into at least one side conference call identifier.

8. The method of Claim 7 wherein said positioning said selected participant identifier comprises:

pointing to said selected participant identifier using a point, click, and drag device;

clicking on said selected participant identifier using said point, click, and drag device; and

dragging said selected participant identifier using said point, click, and drag device to said at least one side conference identifier.

9. The method of Claim 8 wherein said point, click, and drag device comprises a mouse.

10. The method of claim 7 further comprising creating said at least one side conference identifier for configuring said side conference calls.

11. A method of configuring one or more conference calls comprising:
creating conference identifiers; and

grouping participant identifiers into said conference identifiers.

12. The method of Claim 11 wherein said conference identifiers comprise software objects.

13. The method of Claim 12 wherein said software objects may incorporate a conference call name, icon, logo, or insignia.

14. The method of Claim 11 comprising selecting a participant identifier to effectuate receipt of a corresponding video feed.

15. The method of Claim 14, wherein said corresponding video feed is displayed by a display.

16. The method of Claim 15, wherein said display utilizes a graphical user interface.

17. The method of Claim 14 comprising generating a new window for displaying said corresponding video feed.

18. The method of Claim 11 further comprising locking said one or more conference calls to prevent participation by additional participants.

19. The method of Claim 11 comprising providing a roll call of participants participating in said one or more conference calls.

20. A method of graphically viewing and participating in one or more conference calls comprising selecting participants for one or more conference calls by way of pointing, clicking, and dragging participant identifiers into one or more conference identifiers.

21. The method of Claim 20 further comprising selectively receiving an audio feed of said one or more conference calls by way of using said one or more conference identifiers.

22. The method of Claim 21 further comprising receiving a video feed of said conference call by way of using said participant identifiers.

23. The method of Claim 21 comprising receiving a translated version of said audio feed.

24. The method of Claim 23 wherein said translated version is generated at a server.

25. The method of Claim 22 wherein said video feed comprises a recorded playback of said one or more conference calls.

26. The method of Claim 25 wherein said recorded playback comprises an image enhanced playback.

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EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

Not applicable.

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RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.

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CONCLUSION

For at least the foregoing reasons, the Appellant submits that Claims 1-26 are allowable in all respects. Reversal of the Examiner's rejections and issuance of a patent on the present Application are therefore requested from the Board.

PAYMENT OF FEES

The Commissioner is hereby authorized to charge \$540 (to cover the Brief on Appeal Fee) and any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: September 22, 2009

Respectfully submitted,

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